

**REPORT - PLANNING COMMISSION MEETING**  
**June 10, 2004**

**Project Name and Number:** Marshall Park (PLN2004-00211)

**Applicant:** City of Fremont

**Proposal:** A city-initiated General Plan Amendment to change the designation of a 7.66 ± acre parcel acquired as a city park in 2003 from Low Density Residential (5-7 DU/AC) to Institutional Open Space and a rezoning from R-1-6 (Single Family Residential) to Open Space.

**Recommended Action:** Approve based on findings and subject to conditions

**Location:** Curtis Street – near the school, in the Irvington Planning Area

**Assessor Parcel Number(s):** 531 021907400

**Area:** The property is approximately 7.66 acres.

**Owner:** City of Fremont

**Agent of Applicant:** Amy Rakley, Parks Planning Manager

**Consultant(s):** None

**Environmental Review:** A Negative Declaration was prepared for the Marshall Parkland Acquisition Finding and Conditional Use Permit (PLN2003-00160). That information found that the site's use as a park would not have a potential for causing a significant impact on the environment. The Planning Commission may rely on Marshall Park Land Acquisition Negative Declaration for CEQA review of this GPA / rezoning project. No new environmental review is required.

**Existing General Plan:** Low Density Residential 5-7 DU/AC

**Existing Zoning:** R-1-6, Single Family Residential

**Existing Land Use:** Sports playing fields and grass areas

**Public Hearing Notice:** A total of 155 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Curtis Street and Marietta Drive. The notices to owners and occupants were mailed on May 28, 2004. A Public Hearing Notice was delivered to The Argus on May 24, 2004, to be published by May 27, 2004.

**Executive Summary:** This is a city-initiated General Plan Amendment and Rezoning for the site acquired as a City park from Low-Density Residential 5-7DU/AC to Institutional Open Space and a corresponding rezoning from R-1-6 (Single Family Residential) to O-S (Open Space). This is being done to bring the General Plan land use designation and zoning into conformity with the property's existing and future planned park use.

**Background and Previous Actions:** The site is a portion of an approximately 10.26 acre school site formerly occupied by the Marshall Elementary School, a Fremont Unified School District (FUSD) elementary school in the Irvington area. 7.66 ± acres were split off of the original school site to allow the properties to operate separately, and to allow the City to acquire the park site. The park site consists of unlit ball fields with accessory structures and a parking lot. The site abuts Marshall Park to the southwest and is adjacent to residential single-family homes on all other sides. Additionally, under a maintenance agreement since 1965, the Fremont American Little League uses the four ball fields for practice and ball games for approximately 320 children from February to August.

On March 13, 2003, the Planning Commission made a finding that the Marshall Park land acquisition, proposed at that time, was consistent with the General Plan and recommended acquisition of the site to the City Council. At that time, the Planning Commission also approved a Conditional Use Permit (CUP) to allow for the immediate use of that residentially zoned land as a park, until such time the City redesignated and rezoned the property as Open Space.

**Project Description:** This approval is to redesignate the parkland from Low Density Residential 5-7 DU/AC to Institutional Open Space, and to rezone the property from R-1-6 to Open Space so that use as a park is permitted. The park is approximately 7.66 ± acres in size and is immediately adjacent to the Marshall Park. This will result in the expansion of that existing park. The parcel consists of four ball fields, a parking lot south of the school site, several accessory structures, batting cages, and grassy fields used for recreation. There are no proposed improvements included as part of the project at this time.

## **PROJECT ANALYSIS:**

**General Plan Conformance:** The existing General Plan land use designation for the project site is Low Density Residential 5-7 DU/AC. Generally, the City conducts a general plan amendment and rezoning of sites acquired for public parks to an Institutional Open Space designation and an applicable Open Space zoning district, respectively. However, such sites when acquired are usually unimproved or need some degree of improvements, resulting in no need for immediate public use of the land acquired. As a result, this affords staff sufficient time to process a General Plan Amendment and rezoning. This site when it was proposed for acquisition was fully improved and was currently being used by the community. Thus, approval of the CUP was to satisfy the site's original R-1 zoning district regulations to allow the continued use of the park already improved with ball fields and a parking lot. City staff has been able to process this General Plan Amendment and rezoning for the site and is bringing it before the Commission for recommendation. The project implements the following Fundamental Goals of the General Plan:

- **Fundamental Goal F-8: A Diversity of Residential, Recreational, Cultural, Employment and Shopping Opportunities**
- **Fundamental Goal F-10: Public Services Responsibly Managed and Equitably distributed Throughout the City of Fremont**
- **Fundamental Goal F-12: Parks, Recreational Facilities and Opportunities**

Staff Comment: By redesignating and rezoning this property, the city is preserving this land for use as Institutional Open Space. The City took an opportunity to enlarge the existing 5.5-acre Marshall Park and make it a 13.1 ± acre park in a fully developed residential area that would benefit from such permanent amenities. By approving this application the City is making both properties, the existing Marshall Park and the piece acquired last year, consistent in General Plan designation and zoning.

- **Parks and Recreation Goal 1: Parks and recreation facilities to meet the community's needs**

**Policy PR.1.1.2: *The City's standard for acquisition and development of parkland shall be five (5) acres per one thousand (1,000) population.***

Staff Comment: The General Plan provides that: "Opportunities for the development of new parks will be pursued where land is available." The surplus land offered at the time of the acquisition provided an opportunity to both increase the size of an existing park and to add to the overall acreage in the City's park system. Re-designating the land and rezoning it to Open Space will dedicate it for that purpose.

**Zoning Regulations:** State law requires that the City's General Plan designations and zoning be consistent. The Open Space (O-S) zoning classification is consistent with the Institutional Open Space general plan land use designation.

**Parking:** The site has an existing, paved parking lot with access off of Curtis Street. All park users, including those participating in the Little League games, can use this parking lot. The parking lot helps to reduce the use of adjacent public streets by park users.

**Circulation/Access:** The primary access to site is from Curtis Street. However, the site also provides pedestrian and bicycle access from Marietta Drive and Torenia Circle to the northwest. Residents in the neighborhood to the north also have pedestrian and bicycle access to the site through gateways in the fence line boarding the northern boundary of the project site.

**Environmental Analysis:** A Negative Declaration was prepared for the Marshall Park Land Acquisition Finding and Conditional Use Permit (PLN2003-00160). That information found that the site's use as a park would not have a potential for causing a significant impact on the environment. The Planning Commission may rely on Marshall Park Land Acquisition Negative Declaration for CEQA review of this GPA / rezoning project. No new environmental review is required.

**Response from Agencies and Organizations:** No comments were submitted.

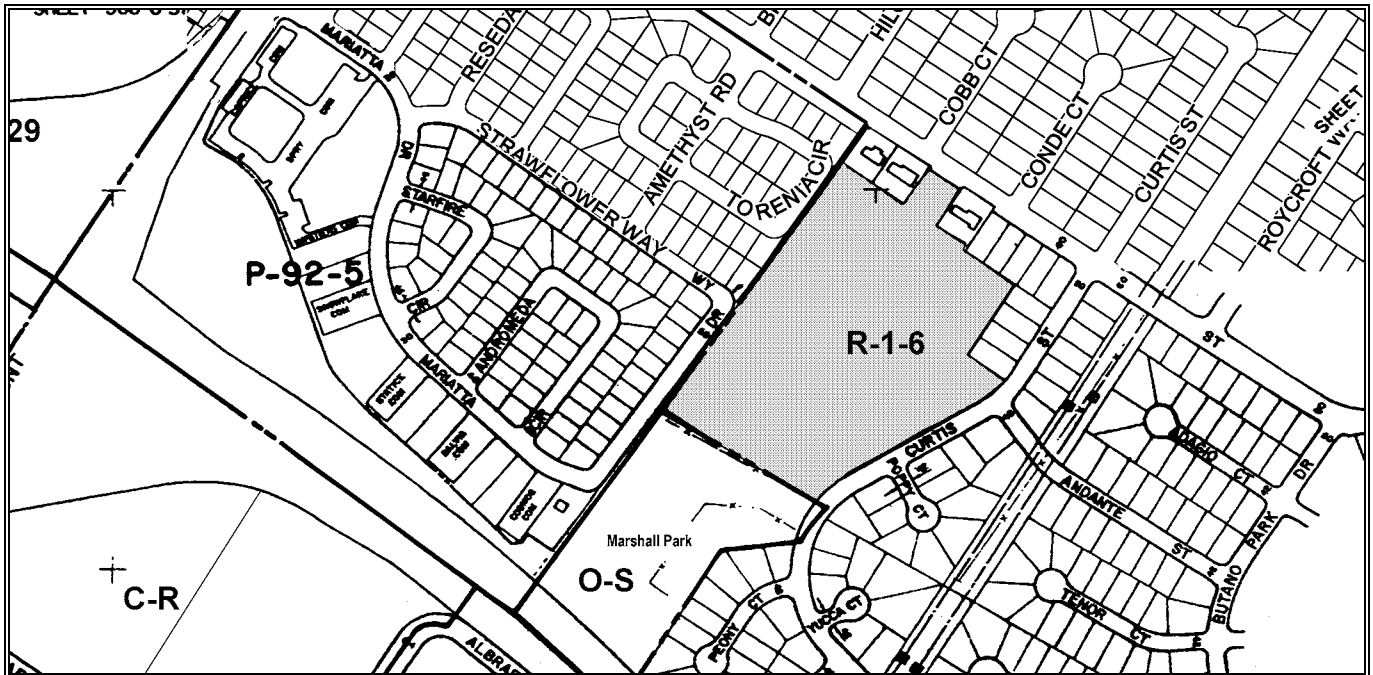
**ENCLOSURES:** Exhibit "A" (General Plan Exhibit)  
Exhibit "B" (Rezoning Exhibit)  
Initial Study, Marshall Park Land Acquisition (PLN2003-00160)

**EXHIBITS:** Exhibit "A" (General Plan Exhibit)  
Exhibit "B" (Rezoning Exhibit)

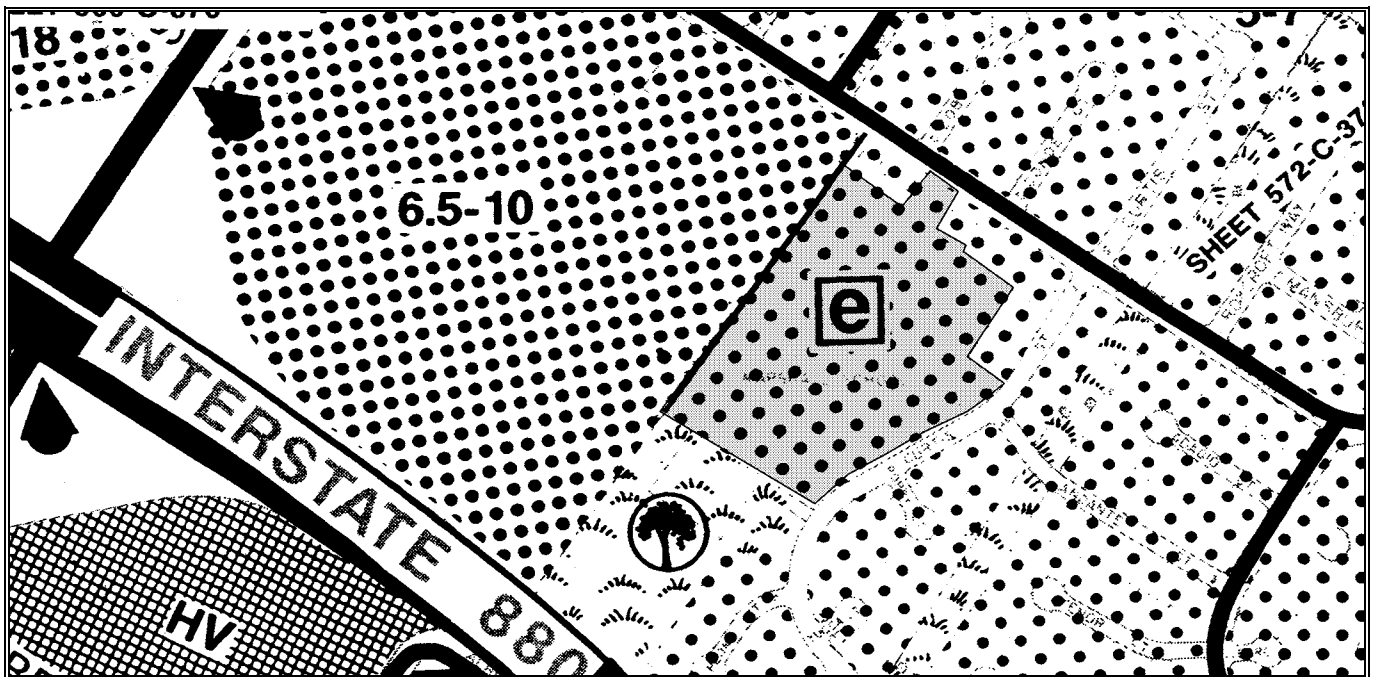
**Recommended Actions:**

1. Hold Public Hearing
2. Recommend that the City Council find that the prior Negative Declaration prepared and adopted for the acquisition of parcel and conditional use permit (PLN2003-00160) adequately addressed all environmental issues and no additional environmental review is needed at this time.
3. Recommend to Council approval of PLN2004-00211 to amend the General Plan land use designation for the project in conformance with Exhibit "A" (General Plan Amendment Exhibit).
4. Recommend to Council approval of PLN2004-00211 to change the zoning classification in conformance with Exhibit "B" (Rezoning Exhibit).

Existing Zoning  
Shaded Area represents the Project Site



Existing General Plan



# EXHIBIT "A"

Attached to and made a part of

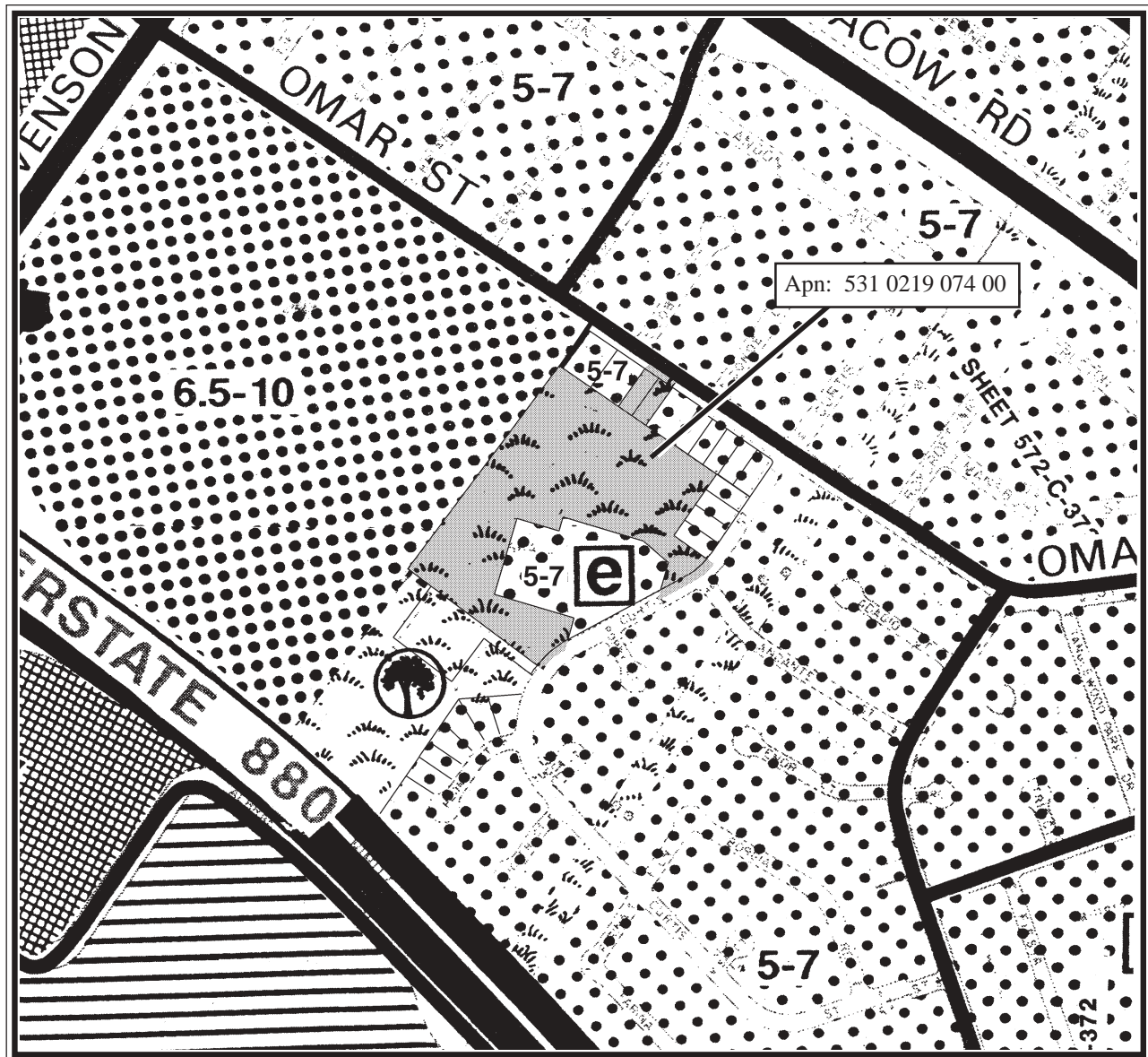
**Resolution No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04 .

## GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE IRVINGTON PLANNING AREA



**From:** Residential, Low 5-7 du/ac, Elementary School site

**To:** Institutional Open Space, Park Site

[pc on 06-10-04] 66-372, 66-376

**Project Name:** Marshall Park

**Project Number:** PLN2004-00211 (GPA)



# EXHIBIT "B"

Attached to and made a part of

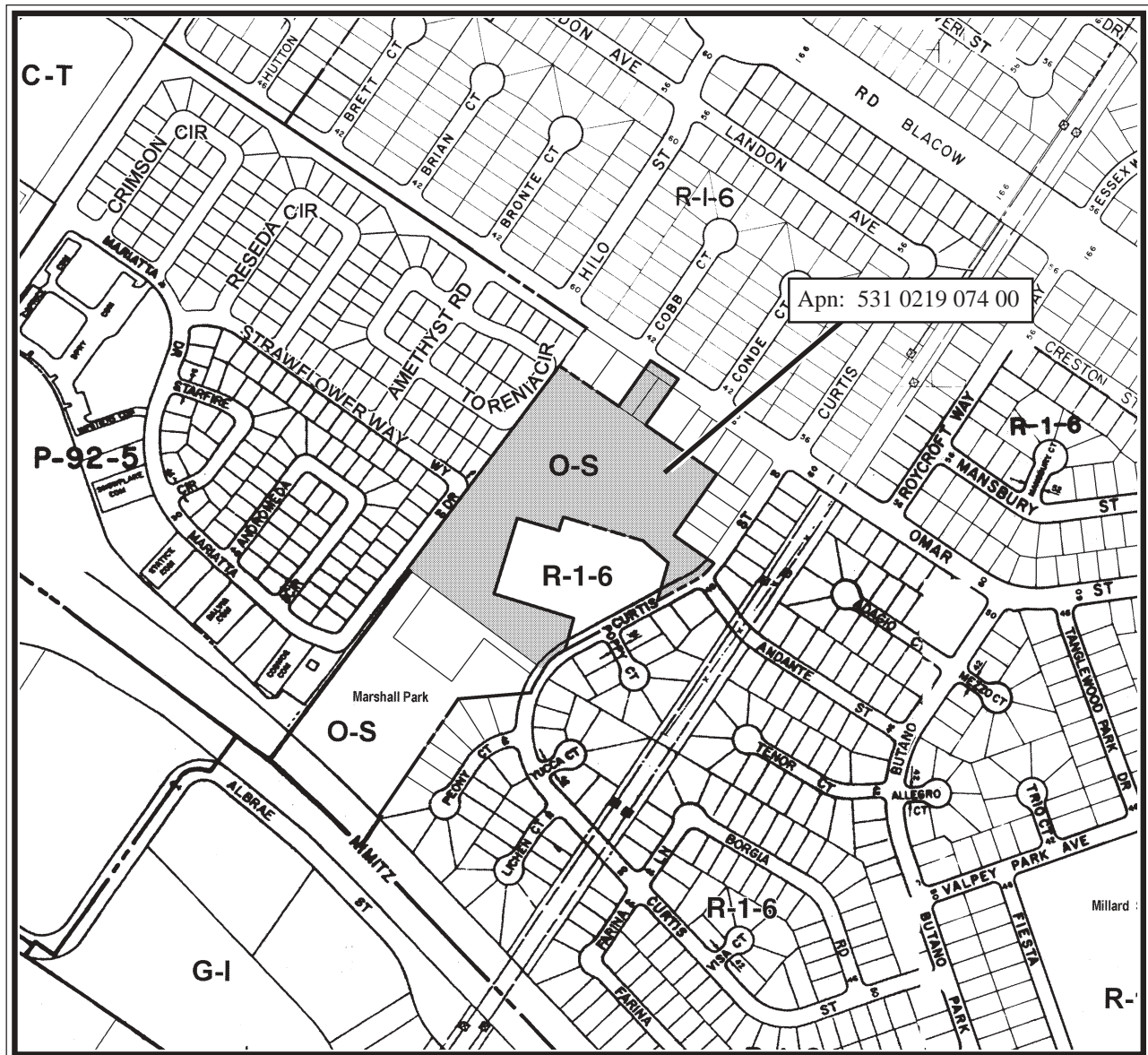
**Ordinance No.** \_\_\_\_\_

adopted by the City Council of the City of Fremont, California

**On the** \_\_\_\_\_ **day of** \_\_\_\_\_, **20** 04 .

## ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE IRVINGTON PLANNING AREA



**From:** R-1-6

**To:** O-S

**Project Name:** Marshall Park

**Project Number:** PLN2004-00211 (Rez)

[pc on 06-10-04] 66-372, 66-376

